

Applicant or Patentee: FRANCIS A. L'ESPERANCE, JR. Attorney's
Serial or Patent No.: _____ File: F.5051
Filed or Issued: _____
For: METHOD AND APPARATUS FOR OPHTHALMOLOGICAL SURGERY

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL
ENTITY STATUS (37 CFR 1.9(f) and 1.27(b))
-----INDEPENDENT INVENTOR-----

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

described in:

- ☒ the specification filed herewith
☐ application Serial No.: _____, filed: _____
☐ Patent No.: _____, issued: _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization
☐ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: _____
Address: _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

Full Name: _____
Address: _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

Full Name: _____
Address: _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

FRANCIS A. L'ESPERANCE, JR.

NAME OF INVENTOR	NAME OF INVENTOR	NAME OF INVENTOR
<i>Francis A. L'Esperance, Jr.</i>		
Signature of Inventor	Signature of Inventor	Signature of Inventor

June 21, 1985

Date

Date

Date

(Sole)

Attorney's F.5051
Docket No. _____

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND APPARATUS FOR OPHTHALMOLOGICAL SURGERY

the specification of which

☒ [X] is attached hereto.

☐ [] was filed on _____ as

Application Serial No. _____
and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

552,983
(Serial No.)

November 17, 1983
(Filing Date)

PENDING
(Status)

(Serial No.)

(Filing Date)

(Status)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Roy C. Hopgood, Reg. No. 15,245; John M. Calimafde, Reg. No. 16,895; Eugene J. Kalil, Reg. No. 16,686; Paul H. Blaustein, Reg. No. 19,539; Marvin N. Gordon, Reg. No. 23,094; Stephen B. Judlowe, Reg. No. 21,049; James M. Rhodes, Jr., Reg. No. 25,229; Francis J. Murphy; Reg. No. 24,537; and Paul T. Meiklejohn, Reg. No. 26,569.

SEND CORRESPONDENCE TO:
HOPGOOD, CALIMAFDE, KALIL,
BLAUSTEIN & JUDLOWE
60 East 42nd Street
New York, New York 10165

DIRECT TELEPHONE CALLS TO:
Roy C. Hopgood, Esq.
212-986-2480

(Sole)

F.5051

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor

4010
FRANCIS A. L'ESPERANCE, JR.

Inventor's signature

Francis A. L'Esperance June 21, 1985

Residence Englewood, New Jersey

Citizenship U.S.A.

Post Office Address 255 Oakwood Road, Englewood, New Jersey 07631

ASSIGNMENT

WHEREAS, L'ESPERANCE RESEARCH INCORPORATED, a corporation of the State of New York, having an office at 1 East 71st Street, New York, New York 10021, is owner, by assignment dated October 16, 1985 of the entire right, title and interest, in the United States and its territorial possessions and in any and all foreign countries, in and to the below-listed inventions of FRANCIS A. L'ESPERANCE, JR., for which inventions patent applications have been filed in the United States Patent and Trademark Office:

<u>Title</u>	<u>Serial No.</u>	<u>Filed</u>
Method and Apparatus for Analysis and Correction of Abnormal Refractive Errors of the Eye	691,923	January 16, 1985
Method and Apparatus for Ophthalmological Surgery	742,225	June 6, 1985
Method and Apparatus for Ophthalmological Surgery	740,276	June 3, 1985
Apparatus for Ablative Sculpture of the Anterior Surface of the Cornea	746,330	June 19, 1985
Method and Apparatus for Performing a Radial Keratotomy Operation	745,214	June 17, 1985
Method and Apparatus for Ophthalmological Surgery	748,358	June 24, 1985
Method and Apparatus for Ophthalmological Surgery	778,801	September 23, 1985
Method and Apparatus for Ophthalmological Surgery	780,335	September 26, 1985

WHEREAS, prior to said October 16, 1985 assignment, a L'Esperance parent application, Serial No. 522,983, filed November 17, 1983, had been abandoned but was nevertheless the subject of continuing prosecution in various of the above-listed patent applications;

WHEREAS, since said October 16, 1985 assignment, L'Esperance divisional United States patent applications have been filed based on disclosures of above-listed applications, said divisional applications being identified as follows:

<u>Title</u>	<u>Serial No.</u>	<u>Filed</u>
Apparatus for Ophthalmological Surgery	794,444	November 4, 1985
Apparatus for Performing Ophthalmological Surgery	807,226	December 10, 1985
Apparatus for Performing a Radial Keratotomy Operation	807,237	December 10, 1985
Apparatus for Performing Ophthalmological Surgery	807,233	December 10, 1985
Apparatus for Performing Ophthalmological Surgery	807,239	December 10, 1985

REC-4548 PAGE 108

WHEREAS, LRI L.P., a Delaware Limited Partnership, having a place of business at Suite 2101, 730 Fifth Avenue, New York, New York 10019, is desirous of acquiring the entire right, title and interest in and to said inventions and patent applications, and in and to any Letters Patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt of which is hereby acknowledged, L'ESPERANCE RESEARCH INCORPORATED has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said LRI L.P., the entire right, title and interest in and to all of the above-identified patent applications and in and to the inventions involved therein in the United States and its territorial possessions and in any and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted on said applications in the United States and its territorial possessions and in any and all foreign countries, and in and to any and all divisions, reissues, continuations and extensions thereof.

THE COMMISSIONER OF PATENTS AND TRADEMARKS is requested to issue such Letters Patent as may be granted on said applications to said LRI L.P., its successors and assigns, as the assignee of the entire right, title and interest therein and thereto.

Signed, sealed and delivered this 3rd day of March, 1986.

L'ESPERANCE RESEARCH INCORPORATED,

By

Francis A. L'Esperance, Jr.
Francis A. L'Esperance, Jr.
President

STATE OF NEW YORK)

) ss:

COUNTY OF NEW YORK)

On this 3rd day of March, 1986, before me, personally appeared FRANCIS A. L'ESPERANCE, JR., to me known, and who acknowledged to me that he is President of L'ESPERANCE RESEARCH INCORPORATED, and that he executed the foregoing assignment as the act of said L'ESPERANCE RESEARCH INCORPORATED, by authority of the Board of Directors.

Colleen A. Latella
Notary Public

COLLEEN A. LATELLA
Notary Public, State of New York
No. 31-8300386
Qualified in New York County
Commission Expires February 28, 1989

(SEAL)

RECORDED
MAY - 5 1986
PATENT & TRADEMARK OFFICE

FILED 4 5 4 8 PM '86 107

Applicant or Patentee: FRANCIS A. L'ESPERANCE, JR.

Attorney's
Docket No.: F.5051

Serial or Patent No.: 748,358

Filed or Issued: June 24, 1985

For: METHOD AND APPARATUS FOR OPHTHALMOLOGICAL SURGERY

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN LRI L.P. (A Delaware Limited Partnership)

ADDRESS OF CONCERN 730 Fifth Avenue
New York, New York 10019

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

METHOD AND APPARATUS FOR OPHTHALMOLOGICAL SURGERY

by inventor(s)

Francis A. L'Esperance, Jr.

described in

- ☐ the specification filed herewith

☒ application serial no. 748,358, filed June 24, 1985

☐ patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME

ADDRESS

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

NAME

ADDRESS

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING FRANCIS A. L'ESPERANCE

TITLE OF PERSON OTHER THAN OWNER President, L'Esperance Research Incorporated (General Partner

ADDRESS OF PERSON SIGNING 730 Fifth Avenue of LRI L.P.)

New York, New York 10019

SIGNATURE Francis A. L'Esperance, Jr.

DATE May 5, 1986



PATENTS
F.5110

916646

Copy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application
Based on:

Applicant: FRANCIS A. L'ESPERANCE, JR.
Serial No.: 748,358
Filed: June 24, 1985
Group: 335
Examiner: David Shay
For: METHOD AND APPARATUS FOR
OPHTHALMOLOGICAL SURGERY

New York, New York 10165
November 4, 1985

FILING OF DIVISIONAL APPLICATION UNDER
RULE 60

The Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

I, ROY C. HOPGOOD, an attorney of record in the above-identified case, hereby declare and certify that the attached Xerox copy of the application is a true copy of the original application Serial No. 748,358, filed June 24, 1985.

The undersigned declares further that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please charge any costs incurred to our firm
Deposit Account No. 08-2776.

Respectfully submitted,

By

Roy C. Hopgood
Roy C. Hopgood

Reg. No. 15,245

Hopgood, Calimafde, Kalil,
Blaustein & Judlowe

60 East 42nd Street
New York, New York 10165

212-986-2480

Attorney for Applicant

916646

PATENTS/F.6083

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Continuation Application
Based on:

Applicant: FRANCIS A. L'ESPERANCE, JR.
Serial No.: 794,444
Filed: November 4, 1985
Group: 335
Examiner: David Shay
For: METHOD AND APPARATUS FOR
OPHTHALMOLOGICAL SURGERY

1 1/2

New York, New York 10165
October 8, 1986

FILING OF CONTINUATION APPLICATION UNDER RULE 1.60

The Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

I, ROY C. HOPGOOD, an attorney of record in the above-identified case, hereby declare and certify that the attached Xerox copy of the application is a true copy of the original application Serial #794,444, filed November 4, 1985.

The undersigned declares further that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please charge any costs incurred to our firm Deposit Account No. 08-2776.

Respectfully submitted,

By

Roy C. Hopgood
Roy C. Hopgood
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Hopgood, Calimafde, Kalil,
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60 East 42nd Street
New York, New York 10165
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Attorney for Applicant